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**FTAA - COMMITTEE OF GOVERNMENT REPRESENTATIVES ON THE PARTICIPATION
OF CIVIL SOCIETY**

COVER SHEET

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ISSUES ADDRESSED (Check all that apply)

Agriculture		Subsidies, Antidumping and Countervailing Duties	
Competition Policy		Civil Society	X
Dispute Settlement		Electronic Commerce	
Government Procurement		Smaller Economies	
Intellectual Property Rights		The FTAA Process	X
Investment		Other:	
Market Access			
Services			

EXECUTIVE SUMMARY – 2 pages maximum – (see Open Invitation):

**Chair of the Committee of Government Representatives on the Participation of Civil Society
c/o Tripartite Committee (Ref. Civil Society)
Economic Commission for Latin America and the Caribbean (ECLAC)
1825 K Street NW, Suite 1120
Washington D.C. 20006**

San José, September 21, 2000

**Letter to the Committee of Government Representatives on the Participation of Civil Society
regarding inclusion of the issue of the environment in FTAA negotiations**

Executive Summary

The Permanent Group on Trade and Environment of Costa Rica, which consists of members of the academic sector, non-governmental organizations (NGOs) and representatives of the private sector, presents the following proposal regarding inclusion of the issue of the environment in FTAA negotiations;

recognizing that:

1. the solution to a great many environmental problems transcends political borders and requires a joint effort on the part of countries and regions to achieve a long-term solution to these problems;
2. environmental problems *per se* are not caused by trade, but rather are the result of the forms of production and consumption of the economies, and involve local production and consumption, as well as exporting and importing;
3. the material basis of Latin American economic development depends on its natural resources and ecological activities and services;
4. the challenge facing all of the countries in the Americas is to promote trade, and ensure a responsible and sustainable use of natural resources that makes it possible to combine profitability with long-term economic and environmental sustainability.

Proposes:

- That environmental issues be given explicit consideration in the negotiations on the establishment of the Free Trade Area of the Americas.
- That a commitment not to lower environmental standards be adopted as a principle, in order to attract investment and promote free trade, as well as offering special investment and trade incentives to improve those standards.
- That the principle that any regulation should be a strictly national matter be maintained, which in no way interferes with the commitment to minimum rules or other types of multilateral agreements.
- That negotiation on the issue of the environment within the FTAA negotiations be carried out through a parallel environmental agreement, taking advantage of experiences in the hemisphere (the North American Environmental Agreement and the Canada-Chile Agreement on Environmental Cooperation). These model agreements respect national sovereignty and require the parties to establish and maintain a detailed, informational, open and transparent environmental management system. This deals not only with trade and the environment, but with cooperation, and creates an institutional

framework (and its corresponding organizational basis) to make it operational, creating in turn opportunities for the participation of civil society.

- That the parallel hemispheric agreement not envisage cross sanctions. Cooperative solutions should be the guiding concept behind parallel agreements. Economic compensation could even be retained in cases of persistent patterns of violation of domestic laws, and be designed to solve the problem that caused such a dispute. The main objective should not be to find a culprit, but rather to prevent and find ways to avoid or repair the harm caused to the environment.
- That greater access be given to official documentation: official and provisional agendas, official minutes, provisional and final agreements, working documents of the negotiating groups, formal and informal contributions from the members during the negotiation process.
- That positive actions be taken, such as the preparation of non-technical summaries, informational workshops and seminars that increase the possibility of common agreements and participation of the different civil society players.
- That ratification, by all FTAA members, of at least the following multilateral environmental agreements (MEAs) be established as mandatory: the Montreal Protocol, the Basle Convention, CITES, the Kyoto Protocol, the Convention on Biological Diversity (CBD) and its Biosafety Protocol . This would create a critical mass of environmental consensus.
- That environmental trade measures taken to protect MEAs be considered “lex specialis” in relation to FTAA provisions. They will thus take precedence over trade provisions, and the forum for analyzing them will not be the FTAA dispute settlement mechanism, but rather the actual mechanism envisaged by the MEAs.
- That the organizational and institutional structure of the parallel agreement be simple, made up of a small team of experts, with mid-level authority under the Council of Ministers, with a representative from each group of associated countries in terms of trade, for example: NAFTA, MERCOSUR, CARICOM, the Andean Community and CACM.